



STATE OF IDAHO  
DIVISION OF  
ENVIRONMENTAL QUALITY

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Dirk Kempthorne, Governor  
C. Stephen Allred, Administrator

**August 4, 1999**

**Ms. Kathleen E. Hain  
Environmental Restoration  
Office of Program Execution  
Department of Energy  
850 Energy Drive  
Idaho Falls, ID 83401**

**RE: IDHW/DEQ COMMENTS ON DRAFT FINAL RECORD OF DECISION, IDAHO  
NUCLEAR TECHNOLOGY AND ENGINEERING CENTER (DOE/ID-10660)**

**Dear Ms. Hain:**

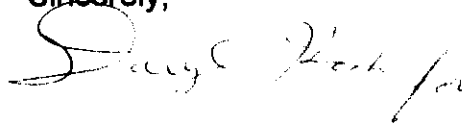
**We have reviewed the *Draft Final Record of Decision, Idaho Nuclear Technology and Engineering Center* (Operable Unit 3-13). The document was received on July 21, 1999. Our review comments are attached, in accordance with section 8.3 of the Federal Facility Agreement and Consent Order (FFA/CO), with disputable items denoted by asterisk. The following issues must be resolved by August 19, 1999 to avoid initiation of the dispute resolution provisions pursuant to section IX. of the FFA/CO:**

- **IDHW/DEQ does not concur with the description of the ICDF siting provisions contained in the Draft Final ROD. Replacement language is provided in the attachment.**
- **During the July 29, 1999 conference call between USEPA Region X, DOE-ID, and IDHW/DEQ, a strategy to address RCRA/CERCLA parity issues was agreed to by the Agencies. Replacement language consistent with that strategy is provided in the attachment.**
- **The attachment offers identification of a number of HWMA/RCRA ARARs for inclusion into the Final ROD.**
- **The summarized process for development of the Waste Acceptance Criteria (WAC) for the ICDF, which appears in the Declaration, should explicitly state that Agency approval is required for the Final WAC.**

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Ms. Kathleen E. Hain  
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We look forward to resolving these remaining issues prior to Finalization of the ROD. If you should have any questions, please contact Daryl Koch at (208) 373-0492.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott L. Reno".

Scott L. Reno  
Environmental Scientist

Attachment

cc: Dean Nygard, DEQ-Boise  
Daryl Koch, DEQ-Boise  
Wayne Pierre, USEPA Region X  
Talley Jenkins, DOE-ID  
Bob James, LMITCO

\* Disputable Comments are denoted with an asterisk.

## **GENERAL COMMENTS**

- I. In section 11.1.3 (page 11-12, second paragraph), wording is presented relating to the siting of the ICDF. This wording should be replaced with:

The Agencies propose to locate the first cell of the ICDF atop and adjacent to the West CPP-67 Pond. Selecting this location allows the Agencies to use property that will remain restricted due to the presence of low-level radiation and provides a cost savings as some of the soil excavation has already been accomplished from the construction of the CPP-67 Ponds. Other cells are proposed to be located in the CPP-95 area west of CPP-67. Based on preliminary geotechnical information, as depicted in Figure 11-3, sufficient soil exists to locate the ICDF. This information was used in our preliminary siting evaluation. Based on this evaluation, the proposed ICDF location is seen as the best location to site the ICDF complex. As part of the Remedial Design, the Agencies will collect additional geotechnical information, to confirm that the proposed ICDF location is the most suitable and cost-effective for siting the ICDF cells.

The bulleted siting criteria should then follow the replacement language. Additionally, the siting language in the following sections needs to be revised to be absolutely consistent with the preceding replacement language: 1) Page vi, fourth item under ICDF, 2) Page 9-4, first sentence, 3) Page 13-3, Section 13.3, 3rd bullet, and 4) affected portions of the Responsiveness Summary.

- II. On Page 13-3, the first bullet discusses addressing post-closure care and monitoring of the Old Waste Calcine Facility under RCRA/CERCLA parity. The bullet should be replaced with the following:

The WCF has been closed under an approved HWMA closure plan and a post-closure monitoring and maintenance plan is required. In order to reduce the duplication of effort for monitoring and maintenance of the WCF, maintain consistency with the publicly-noticed WCF closure plan, and acknowledge the RCRA/CERCLA parity policy, these requirements will be addressed under this ROD as ARARs. The WCF will be included during the CERCLA 5-year reviews with the Group 2 Soils Under Building Sites and will address the substantive requirements of IDAPA 16.01.05.009 [40 CFR §

265.310]. Additionally, these requirements will be incorporated into the post-ROD monitoring plan for Operable Unit 3-13.

Lastly, the above change should be added, as a bullet to the Declaration, on page v, under the two existing bullets for Group 2 soils.

**III. The following ARARs changes need to be included in the ROD:**

**TANK FARM SOILS - Group 1**

Please add the following ARARs:

IDAPA 16.01.05.008 [40 CFR § 264.14] - Security. This HWMA/RCRA requirement should be relevant and appropriate for the institutional controls provision of this interim action since site access restrictions are part of the institutional controls.

IDAPA 16.01.05.008 [40 CFR § 264.15] - General Inspection Requirements. This HWMA/RCRA requirement should be a relevant and appropriate provision of this interim action since maintenance of the facility is indicated as an institutional control. Data collected during maintenance inspections could be helpful in identifying potential releases or areas of water percolation at the site.

IDAPA 16.01.05.008 [40 CFR § 264.16] - Personnel Training. This HWMA/RCRA requirement may be relevant and appropriate for the institutional controls interim action to reduce accidental exposure at the facility.

DOE should include the Security, Personnel Training and General Inspection Requirements in the ARARs Table 12-1 which are discussed in the text on page 12-8, section 12.2.1.1..

**SOILS UNDER BUILDINGS AND STRUCTURES SELECTED REMEDY - Group 2**

The May 1999 Draft ROD listed the following ARARs in Table 12-2:

IDAPA 16.01.05.006 [40 CFR § 262.11] - Hazardous Waste Determination

IDAPA 16.01.11.200 - Groundwater Quality Standards. The table states that this ARAR will be addressed in Group 5 - Snake River Plain Aquifer Interim Action.

These two ARARs are not in the draft final ROD. DOE should include these in the ARARs table 12-2 in the draft final or explain to DEQ why they are not included.

DOE has listed the following HWMA/RCRA ARARs in the Draft Final ROD (Table 12-2) for the Group 2 Remedy consisting of institutional controls with containment:

IDAPA 16.01.05.008 [40 CFR § 264.14] - Security.

IDAPA 16.01.05.008 [40 CFR § 264.15] - General Inspection Requirements.

IDAPA 16.01.05.008 [40 CFR § 264.16] - Personnel Training.

The Security, General Inspection Requirements, and Personnel Training provisions listed above have statements in the comments section which states "Applies if the soils are capped with and engineered barrier." These should apply regardless of the engineered barrier since institutional controls are designed to prevent exposure through mechanisms such as personnel training, inspections to identify site conditions that could develop which may result in exposures, and security measures to prevent unauthorized access.

#### **PERCHED WATER - Group 4**

The selected remedy for the perched water is institutional controls with Aquifer Recharge control. DOE has listed the following HWMA/RCRA ARARs for the Perched Water Group 4 remedy:

IDAPA 16.01.05.008 [40 CFR § 264.553] - Temporary Units

IDAPA 16.01.05.008 [40 CFR § 264.554] - Remediation Waste staging piles

It is unclear how these HWMA/RCRA ARARs apply to this remedy. The comment section states "Applies to hazardous remediation wastes". DOE should further explain in the comments section how these two ARARs apply.

IDAPA 16.01.05.008 [40 CFR § 264.14] - Security. This HWMA/RCRA requirement should be relevant and appropriate for the institutional controls provision of this interim action since site access restrictions are part of the institutional controls.

IDAPA 16.01.05.008 [40 CFR § 264.97] - General Groundwater Monitoring Requirements. This HWMA/RCRA requirement should be relevant and appropriate for groundwater monitoring provision of the selected remedy.

IDAPA 16.01.05.008 [40 CFR § 264.98] - Releases from Solid Waste Management Units - Detection Monitoring Program. This HWMA/RCRA requirement should be relevant and appropriate for the groundwater monitoring provision of the selected remedy and the detection and tracking of contaminant concentrations in the perched aquifer.

IDAPA 16.01.05.008 [40 CFR § 264.99] - Releases from Solid Waste Management Units - Compliance Monitoring Program. This HWMA/RCRA requirement should be relevant and appropriate for the groundwater monitoring provision of the selected remedy.

Page 11-16, third paragraph. The text indicates that groundwater ARARs are not appropriate for the perched water because the water beneath INTEC is a result of anthropogenic recharge, is not sustainable from natural recharge and is of limited extent. Groundwater ARARs should, at a minimum, be designated as relevant and appropriate since monitoring of the perched groundwater will be performed under this alternative. Detection and compliance monitoring at the site are important to determine if contaminant concentrations are increasing in the perched zone, and if contaminants in the perched zone are resulting in increased contaminant concentrations in the regional SRPA.

#### **SNAKE RIVER PLAIN AQUIFER - Group 5**

The following ARARs changes need to be made for the *interim action within the INTEC facility fence*:

IDAPA 16.01.005.006 [40 CFR § 262.11] - Hazardous Waste Determination. This HWMA/RCRA requirement should apply to purge water and potentially other media associated with monitoring inside the INTEC fence line.

IDAPA 16.01.05.008 [40 CFR § 264.92] - Releases from Solid Waste Management Units - Groundwater Protection Standard. This HWMA/RCRA requirement should be relevant and appropriate inside the INTEC fence line for the groundwater protection provision of the selected remedy.

IDAPA 16.01.05.008 [40 CFR § 264.93] - Releases from Solid Waste Management Units - Hazardous Constituents Requirements. This HWMA/RCRA requirement should be relevant and appropriate inside the INTEC fence line for the groundwater monitoring provision of the selected remedy to monitor and evaluate the presence of hazardous constituents in the aquifer.

IDAPA 16.01.05.008 [40 CFR § 264.95] - Releases from Solid Waste Management Units - Point of Compliance. This HWMA/RCRA ARAR should be included as applicable for monitoring associated with the interim action inside the INTEC fence line.

IDAPA 16.01.05.008 [40 CFR § 264.97] - Releases from Solid Waste Management Units - General Groundwater Monitoring Requirements. This HWMA/RCRA requirement should be relevant and appropriate inside the INTEC fence line for the groundwater monitoring provision of the selected remedy.

IDAPA 16.01.05.008 [40 CFR § 264.98] - Releases from Solid Waste Management Units - Detection Monitoring Program. This HWMA/RCRA requirement should be relevant and appropriate inside the INTEC fence line for the groundwater monitoring provision of the selected remedy to monitor and evaluate the detection of hazardous constituents in the aquifer.

IDAPA 16.01.05.008 [40 CFR § 264.114] - Equipment Decontamination. This HWMA/RCRA ARAR should be included as applicable for any equipment used in sampling of wells or equipment inside the INTEC facility fence line.

#### **BURIED GAS CYLINDERS - Group 6**

The following HWMA/RCRA ARARs associated with the buried gas cylinders were listed in the Draft ROD, Table 12-6, dated May 1999 as follows:

IDAPA 16.01.05.006 [40 CFR Part 262, Subpart A through D] - Standards Applicable to Generators of Hazardous Waste (for off-site disposal).

IDAPA 16.01.05.008 [40 CFR Part 264, Subparts I, J, and X] - Substantive portions for treatment, storage, disposal, and transportation of hazardous tank contents and soils.

Standards Applicable to Generators of Hazardous Waste (for off-site disposal), and substantive portions for treatment, storage, disposal, and transportation of hazardous tank contents and soils have been removed from the draft final ROD dated July 1999. DOE should explain why these HWMA/RCRA ARARs were removed in the final draft.

The following ARAR should also be added to Table 12-6:

IDAPA 16.01.05.006 [40 CFR § 262.11] - Hazardous Waste Determination

**SFE-20 HOT WASTE TANK SYSTEM - Group 7**

IDHW/DEQ agrees with the HWMA/RCRA ARARs listed for the on-site disposal option, however, the additional ARAR should also be included in this option:

IDAPA 16.01.05.008 [40 CFR § 264.193(b)] - Secondary Containment and detection of releases, for pumping and transferring wastes to the treatment system.

The following ARARs were included in the May 1999 draft ROD but are not included in the draft final ROD. DOE should explain why these HWMA/RCRA ARARs are not included and or include them in Table 12-7:

IDAPA 16.01.05.006 [40 CFR Part 262, Subpart A through D) - Standards Applicable to Generators of Hazardous Waste (for off-site disposal).

IDAPA 16.01.05.008 [40 CFR §§ 264.171 and 172] - Compatibility of Waste with Containers.

IDAPA 16.01.05.008 [40 CFR § 264.173] - Management of Containers.

IDAPA 16.01.05.008 [40 CFR § 264.174] - Container Inspections.

IDAPA 16.01.05.008 [40 CFR § 264.175] - Storage and Management of Containers.

IDAPA 16.01.05.008 [40 CFR § 264.18(b)] - Floodplain Location Standards

Site security is referenced on page 12-30 in section 12.2.7.1 but is not included as an ARAR for this action. IDAPA 16.01.05.008 [40 CFR § 264.14] - Security should be included in Table 12-7 for this action in both the on-site and off-site options.

**SPECIFIC COMMENTS**

**I. Page vi, 1st Bullet**

For the item pertaining to waste acceptance criteria, please replace the word "stringent" with "agency-approved."



For item pertaining to siting, the location description for the ICDF must be consistent with the location specified in the general comment regarding ICDF location.

**II. Page vii, 1st Paragraph**

Revise the fourth sentence to read, "Although a future water supply well . . . ."

**III. Page xv, Signature**

The current DEQ Administrator is C. Stephen Allred, not Wally Cory.

**IV. Page 1-9, Section 1.1, Figure 1-9**

The figure depicts the extent of upper perched water bodies at the INTEC facility. Please denote the northwestern portion of the northern perched water body as a broken line, to acknowledge that the Big Lost River is believed to offer a major recharge contribution to this perched water zone (see also, figure 11-4, page 11-17)

**V. Page 2-5, Section 2.3, Last Sentence**

The last portion of the sentence may be misconstrued that the HLW & FD EIS will complete the decision making process for INTEC waste tanks. The paragraph fails to acknowledge the role that RCRA/HWMA closure will play in the decision. The sentence needs to be deleted, or revised to describe the role the RCRA/HWMA closure will play in the decision.

**VI. Page 4-10, Section 4.8.1.1, Last Sentence**

The sentence indicates that the basis of the No Further Action decision at CPP-06 was "because of the limited available information." This is incorrect. Numerous borings and analytical samples were collected at site CPP-06, and no contamination was found exceeding risk-based levels of concern. Please revise.

**VII. Page 11-13, Figure 11-2**

Figure 11-2 needs to be deleted from the ROD.

**VIII. Page 11-14, Figure 11-3**

The figure needs to be revised to include the western pond at site CPP-67 in the yellow-shaded area.

**IX. Page 11-15, Section 11.1.4, 4th Bullet on the Page**

The bullet indicates that the Big Lost River is an intermittent stream. Since this interpretation may vary from agency to agency, the phrase "an intermittent stream" needs to be deleted.

**X. Page 11-20, Section 11.1.5.3, Figure 11-5**

Steps 7 and 8 of the flow chart are confusing as to when implementation of the contingent remedy will begin or when a Technical Impracticality Waiver will be considered. Revise to be consistent with the text.

**XI. Page 11-21, Section 11.5.4**

The section number needs to be deleted and the resulting sequence edited. Also, the second to last paragraph in this section is redundant with the first paragraph and requires editing.

**EDITORIAL COMMENTS**

**I. Page iv, 1st Paragraph**

A typographical error exists for the acronym "ROD."

**II. Page xi, 2nd and 4th Paragraphs**

Suggest that the phrase, "is not forgotten" is replaced with "is indeed performed."

**III. Page 5-1, Section 5.1.1**

The word alluvial is misspelled in the middle of the first paragraph. The word permeability is misspelled in the middle of the second paragraph.

**IV. Page 5-5, Section 5.2, 3rd Paragraph**

The term I-29 should be I-129.

**V. Page 6-3, Section 6.5, Last Sentence**

The acronym CFR has a transposition.

**VI. Page 11-1, Section 11.1, 2nd Paragraph**

Suggest modifying the sentence which reads, " ... No Further Action sites would require years to result in a potential unacceptable hazard... " Suggested change would read, " ...No Further Action sites would require years of exposure to result ... "